

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Docket & File

X

HECTOR DURAN,

Plaintiff,

- against -

WARDEN CAMERON LINDSAY, WARDEN  
MDC BROOKLYN; MS. OWENS, SECURITY  
GUARD AT MDC BROOKLYN; UNITED  
STATES; FEDERAL BUREAU OF PRISONS,

Defendants.

ORDER

09-CV-5238 (SLT) (JMA)

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

★ DEC 07 2009

P.M.  
TIME A.M. (S)

AZRACK United States Magistrate Judge:

By order dated November 19, 2009, the United States District Court for the Western District of Pennsylvania transferred the instant complaint to this Court. This Court notes that the Western District of Pennsylvania granted plaintiff permission to proceed *in forma pauperis* under 28 U.S.C. § 1915, and this Court reiterates that grant. Accordingly, the United States Marshals Service is directed to serve the summons and complaint upon the defendants without prepayment of fees.

Consent to trial and decision on this case by a United States Magistrate Judge

The parties shall advise the Court by signing the enclosed form whether they jointly consent to trial and decision on this case by me, a United States Magistrate Judge, pursuant to 28 U.S.C. § 636(c). Consent of the parties means that I may conduct all proceedings including trial of this matter and the entry of judgment in this case. The parties are free to withhold consent without adverse consequences.

If the parties consent, my decision will be entered as the decision of the Court and an aggrieved party may appeal directly to the United States Court of Appeals to the same extent and subject to the same conditions as if the decision had been rendered by a District Judge. If the parties do not consent to decision by a Magistrate Judge and a dispositive motion is referred, my decision shall be reported as a recommendation to the assigned District Judge.

Any party who disagrees with a Magistrate Judge's report and recommendation must file written objections within ten days to preserve their right to appeal. Upon receipt of written objections from a party within ten days, the assigned District Judge shall review the proposed recommendations to which the objection is made. The District Judge may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. If a Magistrate Judge's report and recommendation is accepted by the assigned District Judge, the decision shall be entered and an appeal shall lie to the United States Court of Appeals.

This information regarding the availability of a Magistrate Judge to hear the entire case on consent of the parties is not meant to, in any way, interfere with the parties' absolute right to decision by a United States District Judge. This is an option available to the parties which may expedite adjudication of this case and preserve scarce judicial resources.

SO ORDERED.

JOAN M. AZRACK  
United States Magistrate Judge

Dated: Brooklyn, New York

12/3/09

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

X

—CV-\_\_\_\_\_( )( )

- against -

X

**CONSENT TO MAGISTRATE JUDGE TRIAL**

We hereby consent to have the above-captioned action assigned to a United States Magistrate Judge for all purposes including trial and entry of judgment.

We acknowledge that any appeal from civil cases tried by magistrate judges with the consent of the parties will be heard only in the United States Court of Appeals. 28 U.S.C. § 636(c)(3).

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Plaintiff or Counsel for Plaintiff

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Defendant or Counsel for Defendant

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SO ORDERED.

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Brooklyn, New York

Dated: